

Community Planning and Economic Development Planning Division Report
Rezoning, Conditional Use Permits, Variance, and Site Plan Review
BZZ-2476

Date: August 1, 2005

Applicant: Troy Mathwig, Mathwig Development

Address Of Property: 110-112 6th Street NE and 509 1st Avenue NE

Project Name: Not yet determined.

Contact Person And Phone: Bekah Padilla – Miller Hanson Partners 612-332-5420

Planning Staff And Phone: Jim Voll 612-673-3887

Date Application Deemed Complete: June 20, 2005

End of 60 Day Decision Period: August 19, 2005

Date Extension Letter Sent: July 11, 2005

End of 120 Day Decision Period: October 18, 2005

Ward: 1 **Neighborhood Organization:** Nicollet Island/East Bank

Existing Zoning: C2 Neighborhood Corridor Commercial District

Existing Overlay Districts: None.

Proposed Zoning: C3A Community Activity Center District

Plate Number: 14

Legal Description: Parcel A: That part of Lots, 1,2,9 and 10 in Block 16, in Mills Company Addition to the Town of St. Anthony Falls, described as follows: beginning at the point on the Southeasterly line of said Lot 1 where the center line of the Southwesterly wall of a building known and described as 509-211 First Ave. N.E. in Minneapolis, Minnesota, intersects said Southeasterly line of said Lot 1, which point is 102.49 feet Northwesterly from the Northeasterly line of Fifth Street N.E.; thence Northwesterly along the center line of said Southwesterly wall of said building and the extension of said center line to a point in the Northwesterly line of said Lot 2, distant from the Northeasterly line of Fifth Street N.E. 102.66 feet; thence Northeasterly along said Northwesterly line of said Lot 2 and along the Northwesterly line of said Lot 9 to a point 190.23 feet from the Northeasterly line of Fifth Street N.E.; thence Southeasterly, parallel with the Northeasterly line of said Fifth St. N.E. to a point in the Southeasterly line of said Lot 10 distant 190.23 feet from the Northeasterly line of said Fifth Street N.E.; thence Southwesterly along the Southeasterly line of said Lot 10 and Southeasterly line of said Lot 1 to the point of beginning, Hennepin County, Minnesota.

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Also a right-of-way for driveway purposes over that part of said Block 16 described as follows: Beginning at a point in the Northeasterly line of said Fifth Street N.E. distant 125 feet Northwesterly from the most Southerly (Southwesterly) corner of said Block 16; thence northwesterly along the Northeasterly line of Fifth Street N.E. a distance of 13 feet; thence Northeasterly along a line parallel to the Northwesterly line of said Lot 2, and the Northwesterly line of said Lot 9 a distance of 21.25 feet; thence Southeasterly along a line parallel to the Northeasterly line of Fifth Street N.E. a distance of 138 feet to the Southeasterly line of said Block 16; thence Southwesterly along said Southeasterly line of said Block 16, 11 feet to a point which is 190.25 feet distant from said most Southerly corner of said block; thence Northwesterly along a line parallel with the Northeasterly line of Fifth Street N.E., a distance of 125 feet; thence Southwesterly parallel to the Northwesterly lines of said Lots 9 and 2 a distance of 190.25 feet to the point of beginning, excepting there from that part thereof included in said tract first herein described, which right-of-way shall run with and be and remain forever as an appurtenance to and for the use and benefit of said tract first herein described.

Also together with an easement for party wall purposes upon that part of said Lots 1 and 2 upon which the Southwesterly Half of the Southwesterly wall of said building stands, the same to run with and be and remain forever as an appurtenance to the said tract of land first herein described, the said grantor, however, retaining and reserving unto itself, its successors and assigns, forever, a like easement for party wall purposes upon that portion of said Lots 1 and 2 upon which the Northeasterly one-half of said Southwesterly wall stands, it being the intention of the parties hereto to create a party wall out of said Southwesterly wall of said building, with all the rights and duties incident thereto by law.

Parcel B: The Southwesterly 55 feet of the Northeasterly 110 feet of Lots 9 and 10 and that part of the Southeasterly 19.8 feet of Lot 8 lying Southwesterly 5 feet thereof, all in block 16, Mill Company's Addition to the Town of St. Anthony Falls, Hennepin County, Minnesota.

Parcel C: The Northerly 29.75 feet of the Southwesterly 55 feet, Lots 9 and 10, Block 16, Mill Company's Addition to the Town of St. Anthony Fall, City of Minneapolis, Hennepin County, Minnesota. Abstract Property. Commonly known as: 509 1st Avenue Northeast, Minneapolis, Minnesota.

Parcel D: All of Lot Seven (7), and all of Lot Eight (8), except that part of the Southwesterly 19.8 feet of Lot Eight (8) lying Southwesterly of the Northeasterly 55 feet thereof; The Northeasterly 55 feet of Lots Nine (9) and Ten (10); All that part of Lot Four (4), lying Northeasterly of a line running from a point in the Southeasterly line of said Lot Four (4), lying Northeasterly of a line running from a point in the Southeasterly line of said Lot; distant 3.79 feet Southwesterly of the most Easterly corner thereof, to a point in the Northwesterly line of said Lot, distant 3.87 feet Southwesterly of the most Northerly corner thereof; all in Block Sixteen (16), Mill Company's Addition to the Town of St. Anthony Falls, Hennepin County, Minnesota. Abstract Property. Commonly known as: 100-112 6th Street Northeast, Minneapolis, Minnesota

Parcel E: Lot 6, Block 16 Mill Company's Addition to the Town of St. Anthony Falls, Hennepin County, Minnesota. Surveyed with out the benefit of title work

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Proposed Use: Mixed-use building with 162 dwelling units and 12,000 square feet of first floor retail.

Concurrent Review:

Rezoning: From C2 Neighborhood Corridor Commercial District to the C3A Community Activity Center District.

Conditional Use Permit: To allow 162 dwelling units.

Conditional Use Permit: To increase the height from four stories or 56 feet, whichever is less to 12 stories or 140 feet.

Variance: To reduce the required westerly interior side yard from 27 feet to various distances.

Site Plan Review.

Appropriate Section(s) of the Zoning Code: Chapter 525, Article VI Zoning Amendments; Chapter 525, Article VII Conditional Use Permits; Chapter 525, Article IX Variances; and Chapter 530 Site Plan Review.

Background: Mathwig Development proposes to demolish the existing buildings located at 110-112 6th Street NE and 509 1st Avenue NE and to construct in its place a 162 unit residential building with an enclosed four level parking structure and first floor retail along 1st Avenue NE. Development of five or more dwelling units requires a conditional use permit and site plan review. This project also requires a conditional use permit to increase the height of the building from four stories to 12 stories and a variance to reduce the west side setback.

Attached to this report is a letter of support from the Nicollet Island - East Bank Neighborhood Association.

REZONING (from C2 to C3A Commercial)

Findings As Required By The Minneapolis Zoning Code:

1. Whether the amendment is consistent with the applicable policies of the comprehensive plan.

The C3A Community Activity Center District was established to provide for the development of major urban activity and entertainment centers with neighborhood scale retail sales and services. In addition to entertainment and commercial uses, residential uses, institutional and public uses, parking facilities, limited production and processing and public services and utilities are allowed. The C3A districts are mapped in areas designated as Activity Centers in the comprehensive plan. The East Hennepin Activity Center is adjacent and within a triangle created by Central and East Hennepin Avenues and extends along Main Street through the former “festival markets” of River Place and St. Anthony Main.

The Minneapolis Plan defines Activity Centers as follows:

- Activity Centers generally have a diversity of uses that draw traffic from citywide and regional destinations, but do not generally support automobile uses.
- Activity Centers are complimented by medium and high density residential uses, and also accommodate retail and

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- commercial services, entertainment uses, educational campuses, or other large-scale cultural or public facilities.
- Activity Centers have a traditional urban form (building siting and massing).
- Activity Centers have a significant pedestrian and transit orientation, as service and features of these areas are already good.
- Activity Centers have uses that are active all day long and into the evening.
- A mix of uses occurs within structures and within the larger boundaries of Activity Centers.
- Activity Centers have a unique urban character that distinguishes them from other commercial areas because of the mix and complementary type of uses as well as the traffic the area generates.

To summarize the concept, Activity Centers are destinations that attract large numbers of visitors, workers, and residents. They include a concentration of activities throughout the day and into the evening—including high pedestrian, automobile, and transit traffic, and a mix of uses located that result in a well-defined sense of place.

It is the opinion of Planning staff that the site should be considered part of the East Hennepin Activity Center designated in the *Minneapolis Plan* and that rezoning the site to the C3A district is consistent with the purpose and character of the Activity Center.

2. Whether the amendment is in the public interest and is not solely for the interest of a single property owner.

The rezoning is in the interest of the applicant. While the redevelopment of the site will be an improvement to the area and will provide housing, this can be accomplished to a smaller scale under the existing zoning.

3. Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of particular property.

The surrounding area is a mix of residential, commercial, and industrial uses including offices, commercial uses, apartment buildings and townhomes, and industrial buildings. To the northwest across are a mix of townhomes and low-rise apartment buildings zoned R5 Multiple-family Residential. To the south and east are office, commercial, and industrial buildings zoned C2 Neighborhood Corridor Commercial. To the northeast are office, commercial, and industrial buildings zoned I1 Light Industrial. The C3A District should be compatible with the surrounding area.

4. Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of particular property.

The existing C2 District allows a wide range of commercial, office, and residential uses.

5. Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.

This area has been undergoing a transformation from industrial uses and underutilized commercial to a mix of residential, office, commercial, and industrial uses.

CONDITIONAL USE PERMIT (for 162 residential units)

Findings as required by the Minneapolis Zoning Code:

The Minneapolis City Planning Department has analyzed the application and from the findings above concludes that the establishment, maintenance, or operation of the proposed conditional use:

1. Will not be detrimental to or endanger the public health, safety, comfort or general welfare.

The proposed development will replace small industrial buildings with a 162 unit residential building with first floor commercial on 1st Avenue NE. While multifamily residential is appropriate for this area, a building of this size can not be achieved under the allowable height restriction in the C3A District of four floors or 56 feet, whichever is less unless a conditional use permit to increase height is approved. The height is out of character for the immediate area of the City. If the height were reduced closer to six to eight stories staff would recommend approval of the conditional use permit, but because staff is recommending denial of the height CUP, the conditional use permit for the 162 units as configured should be denied as well, as the building is too large for the site. However, multifamily development and a density of 162 units, should not be considered detrimental to the area on a parcel of this size.

2. Will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.

The surrounding area is developed. This building should not be detrimental to surrounding properties if the size of the building is reduced to a height of six to eight stories, which is closer to the number allowed by the C3A District and more in character with the surrounding area.

3. Adequate utilities, access roads, drainage, necessary facilities or other measures, have been

or will be provided.

Utilities and access are existing and adequate. Vehicular access will be off of 6th Street NE. Public Works and the Fire Department have reviewed the plans for access and circulation and they find the plans acceptable with the exception of the retaining wall encroachment into 6th Street NE and the redesign of 6th Street NE. The applicant should be able to meet the changes required by Public Works without a significant impact on the proposed building. The final drainage plan is required to be approved by Public Works before and permits may be issued.

4. Adequate measures have been or will be provided to minimize traffic congestion in the public streets.

Access to the parking is from 6th Street NE. The zoning code requires 174 parking spaces. There is one retail commercial spaces that requires 12 spaces. There are 162 dwelling units that require one space each, for a total of 162 spaces. One handicapped van accessible space is required for the commercial parking area and one will be provided for the commercial area. The applicant proposes 239 parking spaces, of which seven are handicapped accessible. A discretionary Travel Demand Management plan for the development is under review by Public Works.

5. Is consistent with the applicable policies of the comprehensive plan.

There are several policies in *The Minneapolis Plan* that support infill development and housing choice. Policy 4.11 states that “Minneapolis will improve the range of housing types for those with few or constrained choices.” This policy has implementation steps that promote infill housing, a variety of housing types, and mixed income housing. Policy 4.13 states that “Minneapolis will expand the type and range of housing types for residents with substantial choice.” Policy 4.15 states that “Minneapolis will carefully identify project sites where housing redevelopment or housing revitalization are the appropriate responses to neighborhood conditions and market demand.” The redevelopment of the site for multi-family housing is in conformance with many of the housing policies of the comprehensive plan. However, the plan also states that in Activity Centers the City should “encourage new development to relate to traditional siting and massing, where it is already established.” Activity Centers and the associated C3A zoning limit height to four stories or 56 feet, whichever is less and this site has a proposed height of 12 stories or 140 feet. It is the staff opinion that the development would be in conformance with the goals of the comprehensive plan if it were reduced to a height of six to eight stories.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located upon approval of the rezoning, conditional use permit for height, variance, and site plan review.

The proposal will conform with the applicable regulations upon the approval of the rezoning, conditional use permits, setback variance, and site plan review.

CONDITIONAL USE PERMIT (from four stories to 12 stories)

Findings as required by the Minneapolis Zoning Code:

The Minneapolis City Planning Department has analyzed the application and from the findings above concludes that the establishment, maintenance, or operation of the proposed conditional use:

1. Will not be detrimental to or endanger the public health, safety, comfort or general welfare.

The height of structures or buildings are measured as the vertical distance from the natural grade either at the curb level or at a point ten (10) feet away from the front center of the structure or building, whichever is closer, to the top of the highest point of the structure, or to the top of the highest point of the roof on a flat or shed roof, the deck line on a mansard roof, or the average distance between the eaves and the ridge level for gable, hip, and gambrel roofs.

A story is measured as that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, or fourteen (14) feet, whichever is less, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, cellar or unused under floor space is more than six (6) feet above grade, for more than fifty (50) percent of the total perimeter, or is more than twelve (12) feet above grade at any point, such basement, cellar, or unused under floor space shall be considered a story.

The C3A District limits the height of multiple-family dwellings to four stories, or 56 feet, whichever is less. Measured from 6th Street NE the height of the building varies on the site. The building along 1st Avenue NE is 4 stories tall dropping down to two stories as one moves northerly. This part of the building meets the required height limits. The tower is 12 stories tall and this requires a conditional use permit to increase the height.

The increase in height should not be detrimental to public health and safety or the general welfare as the taller tower part of the building is stepped back from the property lines to reduce the impact on surrounding properties. However, twelve stories may be out of character with surrounding structures in the immediate area and it is the staff opinion that a height of six to eight stories would be more appropriate.

2. Will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.

The surrounding area is developed. The increase in height may be injurious to other properties in the area at a height of twelve stories, which may be out of character with surrounding structures in the immediate area. It is the staff opinion that a height of six to eight stories would be more appropriate and would reduce impacts of scale and shadowing on nearby properties.

3. Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.

Utilities and access are existing and adequate. Vehicular access is off of 6th Street NE. Public Works and the Fire Department have reviewed the plans for access and circulation and they find the plans acceptable with the exception of the retaining wall encroachment into 6th street NE and the redesign of 6th Street NE. The applicant should be able to meet the changes required by Public Works without a significant impact on the proposed building. The final drainage plan is required to be approved by Public Works before and permits may be issued.

4. Adequate measures have been or will be provided to minimize traffic congestion in the public streets.

Access to the parking is from 6th Street NE. The zoning code requires 174 parking spaces. There is one retail commercial spaces that requires 12 spaces. There are 162 dwelling units that require one space each, for a total of 162 spaces. One handicapped van accessible space is required for the commercial parking area and one will be provided for the commercial area. The applicant proposes 239 parking spaces, of which seven are handicapped accessible. A discretionary Travel Demand Management plan for the development is under review by Public Works.

5. Is consistent with the applicable policies of the comprehensive plan.

While the comprehensive plan does not indicate appropriate heights for specific sites, there are policies in Chapter 9, City Form, that refer to traditional urban form and building form and context especially regarding how buildings relate to their surroundings including Policy 9.16:

9.16 Minneapolis will encourage new development to use human scale design features and incorporate sunlight, privacy, and view elements into building and site designs.

Require that new development in downtown avoid creating negative impacts at sidewalk level and in public open spaces in terms of wind, lack of light penetration and other microclimate effects.

Encourage the design of all new buildings to fulfill light, privacy and view requirements for the subject building as well as for adjacent buildings.

Promote the preservation and enhancement of view corridors that focus attention on natural or built features, such as the downtown skyline, landmark buildings, significant open spaces or water bodies.

It is the opinion of staff the proposed 12 story height of the tower may be out of character with the area and may not be in conformance with the above noted policy of the comprehensive plan.

6. And, does in all other respects conform to the applicable regulations of the district in which

it is located upon approval of the rezoning, conditional use permit for units, variance, and site plan review.

The proposal will conform with the applicable regulations upon the approval of the rezoning, conditional use permits, setback variance, and site plan review.

In addition to the conditional use standards contained in Chapter 525 and this article, the city planning commission shall consider, but not be limited to, the following factors when determining maximum height:

(1) Access to light and air of surrounding properties.

The increase in height will reduce access to light and air for adjacent properties, especially for those immediately easterly and westerly of the site. The applicant has positioned the tallest part of the building to reduce these impacts.

(2) Shadowing of residential properties or significant public spaces.

There is a residential property (Calumet Lofts) to the west of the site and townhomes northwest of the site across the rail corridor. These properties will be shadowed by the tower of the building (please see shadow study). The applicant has positioned the tower to reduce the impacts of shadowing and while adjacent properties will be shadowed it does not appear to be for significant periods of time.

(3) The scale and character of surrounding uses.

While there are taller buildings in this part of northeast Minneapolis, such as the Pinnacle and La Rive, they are closer to the river. In the immediate area the height of most buildings are one to two stores with several others rising to six or seven stories. For example, the Banks Building to the east is six stories. It is staff's opinion that twelve stories would be out of character with the surrounding buildings and that a more compatible height would be six to eight stories.

(4) Preservation of views of landmark buildings, significant open spaces or water bodies.

The building will not significantly block views of landmark buildings, significant open spaces, or bodies of water.

VARIANCE (to reduce the side yard setback)

Findings Required by the Minneapolis Zoning Code:

- 1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

In general, no setbacks are not required for properties in the commercial districts, except where adjacent to residential districts or residential uses and for residential uses that contain windows facing an interior side lot line. This structure is bordered on two sides by public streets, so no setbacks are required on the easterly and southerly sides of the development an long 6th Street NE and 1st Avenue NE. There are residential developments to the northwest, but they are separated by a rail corridor. However the northwesterly sides of the buildings have windows facing this interior yards, so a setback of five feet plus two feet for each additional floor above the first is required. The northwesterly interior yard has a required setback of 27 feet (12 stories requires $5 + 2(11) = 27$) and the actual setback varies at different points along the property line from four to 11 feet at the southwesterly part of the site, 46 feet on the westerly side of the site, and 30 feet on the northwesterly side of the site.

The 27 foot setback is determined by the tower and applies to the whole building, but the tower itself is setback at least 30 feet on the northwesterly side and 46 feet on the westerly side. The westerly side of the building closest to the property line does not have windows for the lower part of the building and if it were not subject to the same setback as the tower (if it were a stand alone four story building) it would meet the required setback. It is a hardship to require the lower base of the building to meet the setback required for the tower. The setback variances allow a reasonable use of the property.

- 2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

The site is irregularly shaped. The design of the building has a taller tower in the center of the structure to provide a design that lessens the impacts on surrounding uses, but creates a larger setback. These are conditions that are not generally applicable to other properties in the City.

- 3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

The intent of the ordinance is to provide a setback for facades with windows along interior yard setback where a building could be built along the property line on an adjacent parcel. This is to meet building code requirements for fire protection and to prevent a situation where a building would be built on the adjacent parcel blocking the windows. The tower part of the building with windows will be setback approximately 30 to 46 feet form the interior property lines. This will allow access to light and air for these units and therefore should not circumvent the intent of the ordinance.

- 4. The proposed variance will not substantially increase the congestion of the public streets,**

or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

The proposed variance should have no effect on congestion in the public streets. Adequate parking is provided. The variance should not endanger public health or safety or increase the danger of fire.

SITE PLAN REVIEW

Required Findings for Site Plan Review

A. The site plan conforms to all applicable standards of Chapter 530, Site Plan Review. (See Section A Below for Evaluation.)

B. The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan and applicable small area plans adopted by the city council. (See Section B Below for Evaluation.)

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND FAÇADE:

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.
- The area between the building and the lot line shall include amenities.
- The building shall be oriented so that at least one (1) principal entrance faces the public street. In the case of a corner lot, the principal entrance shall face the front lot line.
- Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.
- For new construction, the building walls shall provide architectural detail and shall contain windows as required by Chapter 530 in order to create visual interest and to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility.
- In larger buildings, architectural elements, including recesses or projections, windows and entries, shall be emphasized to divide the building into smaller identifiable sections.
- Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed twenty five (25) feet in length.
- Exterior materials shall be durable, including but not limited to masonry, brick, stone, stucco, wood, metal, and glass.
- The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.
- The use of plain face concrete block as an exterior material shall be prohibited fronting along a public street, public sidewalk, public pathway, or adjacent to a residence or office residence district.
- Entrances and windows:
 - Residential uses:
Principal entrances shall be clearly defined and emphasized through the use of architectural features such as porches and roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Twenty (20) percent of the walls on the first floor and ten (10)

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percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:

- a. Windows shall be vertical in proportion.
- b. Windows shall be distributed in a more or less even manner.
- **Nonresidential uses:**

Principal entrances shall be clearly defined and emphasized through the use of architectural features such as roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Thirty (30) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:

 - a. Windows shall be vertical in proportion.
 - b. Windows shall be distributed in a more or less even manner.
 - c. The bottom of any window used to satisfy the ground floor window requirement may not be more than four (4) feet above the adjacent grade.
 - d. First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.
 - e. First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.
 - f. Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may provide less than thirty (30) percent windows on the walls that face an on-site parking lot, provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.

Minimum window area shall be measured as indicated in section 530.20 of the zoning code.

- The form and pitch of roof lines shall be similar to surrounding buildings.
- **Parking Garages:** The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. At least thirty (30) percent of the first floor building wall that faces a public street, public sidewalk or public pathway shall be occupied by active uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.

The building is located up to the property line on 6th Street NE except for the tower portion that is angled away from the street. Staff recommends granting alternative compliance because this is a dead end street, so it is not as necessary to have the building up to the sidewalk to promote pedestrian activity. In addition the applicant is providing a landscaped area with a retaining wall and wrought iron fencing to establish a street wall. The building is up to the property line on 6th Street NE except for a portion that is 10 feet back from the property line where there are residential flats. Staff recommends granting alternative compliance to allow the building to be setback 10 feet for the residential units to provide a front yard and buffer for the residential units. There will landscaping and decorative wrought iron type fencing along the sidewalk to reinforce the street wall.

The principal entrances for the commercial spaces face 1st Avenue NE. The principal entrance for the residential structure faces the front of the building along 6th Street NE. The building facades will contain architectural detail and will utilize metal, brick, and precast concrete panels for exterior materials. However, there are blank uninterrupted walls of greater than 25 feet at the northerly and westerly sides of the building that are required to include architectural elements. Staff recommends that the applicant provide architectural detail in these areas at the finals site plan stage. The structure has a flat roof similar to other structures in the area.

The windows on the building meet the requirements of the site plan chapter. They are vertical in proportion and distributed in a more or less even manner. For the façade facing 6th Street NE, the commercial part of the building on the first floor is 58 percent windows and the residential part is 20 percent windows. There are 40 percent windows on the floors above. For the façade facing 1st Avenue NE, the commercial part of the building on the first floor is 64 percent windows and the residential part is 35 percent windows. There are 45 percent on the floors above.

ACCESS AND CIRCULATION:

- Clear and well-lighted walkways of at least four (4) feet in width shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site.
- Transit shelters shall be well lighted, weather protected and shall be placed in locations that promote security.
- Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and surrounding residential uses.
- Traffic shall be directed to minimize impact upon residential properties and shall be subject to section 530.150 (b) related to alley access.
- Site plans shall minimize the use of impervious surfaces.

The entrances to the building open onto the public sidewalks. There are no transit shelters on the site. Public Works and the Fire Department have reviewed the site plan for access and circulation and find them acceptable. The applicant has designed the site to minimize curb cuts on the more pedestrian oriented 1st Avenue. There are no public alleys adjacent to the site. The site has a large green area on the easterly and westerly sides of the tower and the applicant has made efforts to reduce impervious surfaces wherever possible.

LANDSCAPING AND SCREENING:

- The composition and location of landscaped areas shall complement the scale of the development and its surroundings.
 - Not less than twenty (20) percent of the site not occupied by buildings, including all required landscaped yards, shall be landscaped as specified in section 530.160 (a).
- Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.
- Except as otherwise provided, required screening shall be at least ninety-five (95) percent opaque throughout the year. Screening shall be satisfied by one or a combination of the following:
 - A decorative fence.
 - A masonry wall.
 - A hedge.
- Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.170 (b), including providing landscape yards along a public street, public sidewalk or public pathway and abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use.
- The corners of parking lots where rows of parking spaces leave areas unavailable for parking or vehicular circulation shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks or bicycle parking.

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- In parking lots of ten (10) spaces or more, no parking space shall be located more than fifty (50) feet from the center of an on-site deciduous tree. Tree islands located within the interior of a parking lot shall have a minimum width of seven (7) feet in any direction.
 - All other areas not governed by sections 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.
 - Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.210.
 - The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.80, as provided in section 530.220.

Approximately 92 percent of the site minus the building is landscaped. The lot area is 64,282 square feet and the building footprint is 41,245 square feet. This leaves 23,037 square feet, of which 20 percent (4,607 square feet) is required to be landscaped. The applicant is providing 21,263 square feet of landscaping. There are no surface parking areas that need screening. Nine trees and 46 shrubs are required and 26 trees and 236 shrubs are provided.

ADDITIONAL STANDARDS:

- All parking lots and driveways shall be designed with wheel stops or discontinuous curbing to provide on-site retention and filtration of stormwater. Where on-site retention and filtration is not practical, the parking lot shall be defined by six (6) inch by six (6) inch continuous concrete curb.
- Lighting shall comply with the requirements of Chapter 535 and Chapter 541. A lighting diagram may be required.
- Parking and loading facilities and all other areas upon which vehicles may be located shall be screened to avoid headlights shining onto residential properties.
- To the extent practical, site plans shall minimize the blocking of views of important elements of the city.
- To the extent practical, buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.
- To the extent practical, buildings shall be located and arranged to minimize the generation of wind currents at ground level.
- Site plans shall include crime prevention design elements as specified in section 530.260 related to:
 - Natural surveillance and visibility
 - Lighting levels
 - Territorial reinforcement and space delineation
 - Natural access control
- To the extent practical, site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.

There are not surface parking lots on the site, so concrete curbing is not an issue. The lighting will comply with Chapters 535 and 541 including the following standards:

535.590. Lighting. (a) In general. No use or structure shall be operated or occupied as to create light or glare in such an amount or to such a degree or intensity as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance. (b) Specific standards. All uses shall comply with the following standards except as otherwise provided in this section:

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- (1) Lighting fixtures shall be effectively shielded and arranged so as not to shine directly on any residential property. Lighting fixtures not of a cutoff type shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb).
- (2) No exterior light source located on a nonresidential property shall be visible from any permitted or conditional residential use.
- (3) Lighting shall not create a sensation of brightness that is substantially greater than ambient lighting conditions as to cause annoyance, discomfort or decreased visual performance or visibility from any permitted or conditional residential use.
- (4) Lighting shall not directly or indirectly cause illumination or glare in excess of one-half (1/2) footcandle measured at the closest property line of any permitted or conditional residential use, and five (5) footcandles measured at the street curb line or nonresidential property line nearest the light.
- (5) Lighting shall not create a hazard for vehicular or pedestrian traffic.
- (6) Lighting of building facades or roofs shall be located, aimed and shielded so that light is directed only onto the facade or roof.

The adjacent residential use will not be affected by headlight glare. The design of the buildings has been planned to minimize the blocking of important views of the city, to minimize the shadowing of public spaces and adjacent properties, and to minimize the generation of wind currents at ground level. However, it is the opinion of staff that 12 stories may be too tall and that a more appropriate height would be six to eight stories (please see the CUP for height section of this report for a more detailed discussion).

The site has been designed to consider CPTED principals. The site is not located in a historic district and does not include any historically designated buildings.

Section B: Conformance with All Applicable Zoning Code Provisions and Consistency with the Comprehensive Plan and Applicable Small Area Plans Adopted by the City Council

ZONING CODE: The proposed use is a conditional use in the C3A District.

Off-Street Parking and Loading: The zoning code requires 174 parking spaces. There is one retail commercial spaces that requires 12 parking spaces. There are 162 dwelling units that require one space each, for a total of 162 spaces. One handicapped van accessible space is required for the commercial parking area and one will be provided for the commercial area. The applicant proposes 239 parking spaces, of which seven are handicapped accessible. Seventeen of the spaces will be dedicated for the commercial use. A discretionary Travel Demand Management plan for the development is under review by Public Works.

One small (10 foot by 25 foot) loading spaces is required for the retail. The residential loading space is as determined by the conditional use permit. The applicant proposes on street loading area. This is

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acceptable if approved by Public Works.

Maximum Floor Area: The maximum FAR in the C3A District is 2.7 and with two density bonuses of 20 percent (for mixed use development and enclosed parking) the allowable FAR is 3.78. The lot in question is 64,282 square feet in area. The applicant proposes 242,726 square feet of gross floor area, an FAR of 3.78.

Building Height: Building height in the C3A District is limited to four stories or 56 feet, whichever is less. The tower of the structure is proposed to be 12 stories.

Minimum Lot Area: The C3A District requires not less than 400 square feet of lot area per dwelling unit. With 162 proposed dwelling units on a lot of 64,282 square feet, the applicant proposes 396 square feet of lot area per dwelling unit. The proposal qualifies for two density bonuses, so the lot area per dwelling unit is met with the bonuses.

Yard Requirements: In general, no setbacks are not required for properties in the commercial districts, except where adjacent to residential districts or residential uses and for residential uses that contain windows facing an interior side lot line. This structure is bordered on two sides by public streets, so no setbacks are required on the easterly and southerly sides of the development along 6th Street NE and 1st Avenue NE. There are residential developments to the northwest, but they are separated by a rail corridor. However the northwesterly sides of the buildings have windows facing this interior yards, so a setback of five feet plus two feet for each additional floor above the first is required. The northwesterly interior yard has a required setback of 27 feet (12 stories requires $5 + 2(11) = 27$) and the actual setback varies at different points along the property line from four to 11 feet at the southwesterly part of the site, 46 feet on the westerly side of the site, and 30 feet on the northwesterly side of the site.

Specific Development Standards: No specific development standards are applicable for this project.

Hours of Operation: In the C3A District, uses may be open to the public during the following hours: Sunday through Saturday from 6:00 a.m. to 1:00 a.m.

Signs: Signs are subject to 531 and 543 of the Zoning Code. All new signs are required to meet the requirements of Chapter 543 of the zoning code and permits are required from the Zoning Office. The preliminary sign plan appears to meet all code requirements. The final sign plan is not yet finalized, but the applicant is aware that signs require zoning office approval and permits.

Refuse storage: Section 535.80. Refuse storage containers shall be enclosed on all four (4) sides by screening compatible with the principal structure not less than two (2) feet higher than the refuse container or shall be otherwise effectively screened from the street, adjacent residential uses located in a residence or office residence district and adjacent permitted or conditional residential uses. The applicant will provide trash enclosures that meet the requirements of the code.

MINNEAPOLIS PLAN: Please see finding number 1 under the rezoning section and finding number 5 under the conditional use permit sections of this report.

Alternative Compliance. The Planning Commission may approve alternatives to any site plan review requirement upon finding any of the following:

- The alternative meets the intent of the site plan chapter and the site plan includes amenities or improvements that address any adverse effects of the alternative. Site amenities may include but are not limited to additional open space, additional landscaping and screening, green roof, decorative pavers, ornamental metal fencing, architectural enhancements, transit facilities, bicycle facilities, preservation of natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.
- Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.
- The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.

Alternative compliance is necessary to allow the tower portion of the building that is angled away from the 6th Street NE to be more than eight feet from the property line. Staff recommends granting alternative compliance because this is a dead end street, so it is not as necessary to have the building up to the sidewalk to promote pedestrian activity. In addition the applicant is providing a landscaped area with a retaining wall and wrought iron fencing to establish a street wall.

Alternative compliance is necessary to allow the residential portion of the building on 1st Avenue NE to be 10 feet back from the property line. Staff recommends granting alternative compliance to allow the building to be setback 10 feet for the residential units to provide a front yard and buffer for the residential units. There will landscaping and decorative wrought iron type fencing along the sidewalk to reinforce the street wall.

RECOMMENDATIONS:

Recommendation of the Community Planning and Economic Development Department – Planning Division for the rezoning from C2 to C3A:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission and City Council adopt the above findings and approve the rezoning application from the C2 to C3A District for property located at 110-112 6th Street NE and 509 1st Avenue NE.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the conditional use permit for 162 dwelling units:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission deny the conditional use permit application for 162 dwelling units for property located at 110-112 6th Street NE and 509 1st Avenue NE.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the conditional use permit to increase the height of the building from four stories to 12 stories:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission deny the conditional use permit application to increase the height from four stories to 12 stories for property located at 110-112 6th Street NE and 509 1st Avenue NE.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the variance to reduce the side yard setback:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission approve the variance application to reduce the interior (northwesterly) side yard setbacks from 27 feet to various distances for property located at 110-112 6th Street NE and 509 1st Avenue NE, subject to the following condition:

- 1) The setback variances along the west side shall not be any less than shown on the attached site plan.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the site plan review:

The Community Planning and Economic Development - Planning Division recommends that the City Planning Commission adopt the above findings and approve the site plan review application for a 162 unit residential building with first floor commercial located at 110-112 6th Street NE and 509 1st Avenue NE; subject to the following conditions:

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1. Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed twenty-five (25) feet in length as required by Section 530.120 of the zoning code.
2. CPED Planning staff review and approval of the final site and landscaping plans.
3. All site improvements shall be completed by September 2, 2006, unless extended by the Zoning Administrator, or the permit may be revoked for noncompliance.

Attachments:

- 1) Statements from the applicant.
- 2) Letters from neighbors and neighborhood group.
- 3) Preliminary site plan review notes.
- 4) Zoning map.
- 5) Site plan, floor plan, and elevations.
- 6) Photos.
- 7) Shadow study.